

Message Text

PAGE 01 STATE 027798
ORIGIN NODS-00

INFO OCT-01 ISO-00 /001 R

66011
DRAFTED BY:S/S:TMARTIN
APPROVED BY:S/S:TMARTIN
-----000313 020720Z /17
O 020543Z FEB 78 ZFF4
FM SECSTATE WASHDC
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FOL CAIRO 3751 SENT ACTION SECSTATE INFO TEL AVIV AMMAN
FEB 1, 1978 REPEATED TO YOU QUOTE

S E C R E T CAIRO 03751

EXDIS (HANDLE AS NODIS)

FROM ATHERTON, USDEL NO. 39

E.O. 11652: GDS
TAGS: PEPR, EG, US
SUBJ: MEETING WITH FOREIGN MINISTER KAMEL FEBRUARY 1 ON
THE DRAFT DECLARATION.
1. SUMMARY. DURING EILTS' AND MY MEETING WITH FOREIGN
MINISTER KAMEL MORNING FEBRUARY 1, KAMEL REITERATED THE
EGYPTIAN COMPLAINT ABOUT ISRAEL'S FAILURE TO UNDERSTAND
THE SPIRIT OF SADAT'S INITIATIVE AND RESPOND THERETO.
KAMEL STRESSED THAT THE OTHER ARABS ARE WATCHING EGYPT
CLOSELY IN ITS NEGOTIATION OF THE DECLARATION OF
PRINCIPLES AND THAT THE DECLARATION MUST BE ONE THAT WILL
STAND UP TO CRITICAL ARAB SCRUTINY; IT " HAS TO BE MEAN-
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INGFUL FOR THE ARAB WORLD." KAMEL GAVE ME A PAPER WITH
PROPOSED EGYPTIAN CHANGES IN THE U.S. JANUARY 20 DRAFT
WHICH THE SECRETARY HAD GIVEN TO SADAT. MANY OF THESE
CHANGES GO BACK TO POSITIONS TAKEN BY THE EGYPTIANS AT
ISMAILIYA AND JERUSALEM, AND UNDOUBTEDLY REFLECT THE WORK
OF THE EGYPTIAN FOREIGN MINISTRY'S LEGAL DEPARTMENT. THE
CHANGES INCLUDE INTER ALIA REVISION OF THE PRESIDENT'S
ASWAN LANGUAGE IN PARAGRAPH 5, WHERE NEW EGYPTIAN
LANGUAGE CALLS FOR "A JUST RESOLUTION OF THE PALESTINIAN
PROBLEM IN ALL ITS ASPECTS WHICH ENSURES THE

LEGITIMATE RIGHTS OF THE PALESTINIAN PEOPLE AND ENABLES THEM TO DETERMINE THEIR OWN FUTURE." END SUMMARY.

2. SPEAKING FROM NOTES, KAMEL RECALLED PRESIDENT SADAT'S TRIP TO JERUSALEM AND SAID EGYPT'S WILLINGNESS FOR PEACE IS VERY CLEAR. UNFORTUNATELY THE ISRAELIS THUS FAR HAVE IGNORED WHAT EGYPT HAS DONE. KAMEL SAID THE ISRAELIS MUST RECONSIDER THEIR POSITION AND RESPOND POSITIVELY TO PRESIDENT SADAT'S INITIATIVE. EGYPT IS READY FOR NORMAL RELATIONS IN THE CONTEXT OF ISRAELI WITHDRAWAL AND A SOLUTION TO THE PALESTINIAN PROBLEM. BUT, KAMEL SAID, HE DID NOT SEE THAT ISRAEL IS READY TO WITHDRAW FULLY AND RECOGNIZE PALESTINIAN RIGHTS. THE ISRAELIS HAVE FAILED TO HONOR THEIR COMMITMENT TO WITHDRAW PURSUANT TO RESOLUTION 242. THEIR APPROACH TO THE PALESTINIAN PROBLEM PRECLUDES SELF-DETERMINATION AND DENIES PALESTINIANS RIGHTS. KAMEL SAID EGYPT BELIEVES THAT THE ISRAELI FORMULATION SEEKS TO AVOID THE PRINCIPLE OF INADMISSIBILITY OF ACQUISITION OF TERRITORY BY FORCE AND OF THE ILLEGALITY OF ISRAELI SETTLEMENTS. ANY DECLARATION OF PRINCIPLES THAT DOES NOT CONTAIN SPECIFIC LANGUAGE ON WITHDRAWAL AND PALESTINIAN RIGHTS WILL NOT BE VALID, KAMEL SAID; IT WILL NOT STAND UP TO SCRUTINY IN THE ARAB WORLD. THE ISRAELIS WILL HAVE
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TO UNDERSTAND THIS AND LEAVE ASIDE THEIR OLD IDEAS IF THE NEGOTIATIONS ARE TO PROCEED SUCCESSFULLY.

3. KAMEL SAID EGYPT HAD STUDIED THE DRAFT DECLARATION THAT THE SECRETARY GAVE TO PRESIDENT SADAT AND HAD DRAWN UP COMMENTS ON IT (KAMEL DID NOT MENTION OR IN ANY WAY REFER TO THE PAPER THAT I BROUGHT WITH ME FROM ISRAEL WITH PROPOSED ISRAELI CHANGES IN THE JANUARY 20 DRAFT). KAMEL THEN GAVE ME THE FOLLOWING PAPER. BEGIN TEXT: U.S. DRAFT OF 20 JANUARY 1978:

1. THE GOVERNMENTS OF THE ARAB REPUBLIC OF EGYPT AND ISRAEL ARE DETERMINED TO CONTINUE THEIR EFFORTS TO REACH A COMPREHENSIVE PEACE SETTLEMENT IN THE REGION.
EGYPTIAN POSITION: NO CHANGE.

2. WITHIN THE FRAMEWORK OF SUCH A SETTLEMENT AND IN ACCORDANCE WITH UNITED NATIONS SECURITY COUNCIL RESOLUTION 338, THE TWO GOVERNMENTS EXPRESS THEIR WILLINGNESS TO NEGOTIATE PEACE TREATIES IN FULFILLMENT OF ALL THE PRINCIPLES OF UNITED NATIONS WILLINGNESS TO NEGOTIATE PEACE TREATIES ON THE BASIS OF THE IMPLEMENTATIONS (SIC) OF SECURITY COUNCIL RESOLUTIONS 242 AND 338 IN ALL OF THEIR PARTS.

3. THE TWO GOVERNMENTS AGREE THAT THERE SHALL BE A JUST SOLUTION OF THE PALESTINIAN PROBLEM.

EGYPTIAN POSITION: NO CHANGE.

4. THERE WILL BE WITHDRAWAL OF ISRAELI ARMED FORCES FROM TERRITORIES OCCUPIED IN THE 1967 CONFLICT. (THERE WILL BE SECURE AND RECOGNIZED BOUNDARIES FOR ALL STATES IN THE REGION).

EGYPTIAN POSITION: ISRAEL SHALL WITHDRAW FROM TERRITORIES OCCUPIED IN THE 1967 CONFLICT IN ACCORDANCE WITH THE PRINCIPLE OF THE INADMISSIBILITY OF ACQUISITION
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OF TERRITORIES BY WAR.

5. (BOUNDARIES BETWEEN ALL THE STATES IN THE AREA WILL BE SECURE AND RECOGNIZED.)

EGYPTIAN POSITION: SEE PARA 6.

5.B. THERE SHALL BE A JUST RESOLUTION OF THE PALESTINIAN PROBLEM IN ALL ITS ASPECTS WHICH RECOGNIZES THE LEGITIMATE RIGHTS OF THE PALESTINIAN PEOPLE AND ENABLES THEM TO PARTICIPATE IN THE DETERMINATION OF THEIR OWN FUTURE THROUGH TALKS IN WHICH EGYPT, JORDAN, ISRAEL, AND REPRESENTATIVES OF THE PALESTINIAN PEOPLE WOULD PARTICIPATE.

EGYPTIAN POSITION: THERE SHALL BE A JUST RESOLUTION OF THE PALESTINIAN PROBLEM IN ALL ITS ASPECTS WHICH ENSURES THE LEGITIMATE RIGHTS OF THE PALESTINIAN PEOPLE AND ENABLES THEM TO DETERMINE THEIR OWN FUTURE. IN THIS RESPECT TALKS WOULD TAKE PLACE IN WHICH EGYPT, JORDAN, ISRAEL AND THE REPRESENTATIVES OF THE PALESTINIAN PEOPLE WOULD PARTICIPATE.

6. THERE WILL BE TERMINATION OF ALL CLAIMS OR STATES OF BELLIGERENCY AND RESPECT FOR AND ACKNOWLEDGEMENT OF THE SOVEREIGNTY, TERRITORIAL INTEGRITY AND POLITICAL INDEPENDENCE OF EVERY STATE IN THE AREA AND THE ESTABLISHMENT, IN ACCORDANCE WITH THE PRINCIPLES OF THE UNITED NATIONS CHARTER, OF NORMAL, PEACEFUL RELATIONS THROUGH THE CONCLUSION OF PEACE TREATIES.

EGYPTIAN POSITION: THERE WILL BE TERMINATION OF ALL CLAIMS OR STATES OF BELLIGERENCY AND RESPECT FOR AND ACKNOWLEDGEMENT OF THE SOVEREIGNTY, TERRITORIAL INTEGRITY AND POLITICAL INDEPENDENCE OF EVERY STATE IN THE AREA AND THEIR RIGHT TO LIVE IN PEACE WITHIN SECURE AND RECOGNIZED
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BOUNDARIES FREE FROM THREATS OR ACTS OF FORCE, AND THE ESTABLISHMENT OF NORMAL, PEACEFUL RELATIONS IN ACCORDANCE WITH THE PRINCIPLES OF THE UNITED NATIONS CHARTER. END TEXT.

4. AFTER A QUICK LOOK OVER THE PAPER I SAID I THOUGHT I COULD MAKE A FEW PRELIMINARY COMMENTS AND ASK SOME QUESTIONS. ALTHOUGH EGYPTIANS HAVE MARKED "NO CHANGE" BESIDE PARAS 1 AND 3, PARA 1 IS IN FACT THE ONLY AGREED PARAGRAPH; IN PARAGRAPH 3 THE ISRAELIS USE THE TERM "SOLUTION OF THE PROBLEM OF THE PALESTINIAN ARABS." WITH REGARD TO PARAGRAPH 2, I NOTED THAT THE EGYPTIANS HAD MOVED THE REFERENCE TO RESOLUTION 338 FROM THE FIRST PART OF THE PARAGRAPH DOWN TO THE END, AFTER THE MENTION OF RESOLUTION 242. I SAID WE HAD PUT 338 AT THE BEGINNING OF THE PARAGRAPH BECAUSE 338 CALLS FOR NEGOTIATIONS, AND PUTTING IT THERE MAKES THE POINT THAT THE GOVERNMENTS EXPRESS THEIR WILLINGNESS TO NEGOTIATE. AFTER A BRIEF DISCUSSION, KAMEL INDICATED THAT THIS POINT IS NOT PARTICULARLY IMPORTANT. HOWEVER, HE SAID THE EGYPTIANS REGARD THEIR LANGUAGE CALLING FOR A NEGOTIATION OF PEACE TREATIES ON THE BASIS OF "THE IMPLEMENTATION" OF SECURITY COUNCIL RESOLUTION 242 AND 338 AS VERY IMPORTANT. I ASKED IF KAMEL REALLY SAW A DIFFERENCE BETWEEN THAT AND THE TERM "IN FULFILLMENT OF" USED IN OUR DRAFT. KAMEL AT FIRST HESITATED AND THEN REPLIED THAT THE FOREIGN MINISTRY LEGAL PEOPLE THINK IT IS VERY IMPORTANT TO USE THE WORD IMPLEMENTATION. CHEF DE CABINET AHMED MAHER, WHO WAS PRESENT AGAIN TODAY AS NOTETAKER, INTERJECTED THAT "IMPLEMENTATION" IS VIEWED AS BEING STRONGER. ALSO ON PARAGRAPH 2, I NOTED THAT THE EGYPTIANS HAVE GONE BACK TO THE LANGUAGE "IN ALL OF THEIR PARTS" WITH REGARD TO RESOLUTIONS 242 AND 338. I POINTED OUT THAT WE HAD HAD SOME DIFFICULTY IN PERSUADING THE ISRAELIS TO ACCEPT THE PHRASE "ALL THE PRINCIPLES" OF RESOLUTION 242 AS A MEANS OF RESOLVING THIS CONFLICT. IT SEEMED TO ME THAT THE TWO
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FORMULATIONS MEANT VERY MUCH THE SAME THING. KAMEL INDICATED SOME FLEXIBILITY ON THIS POINT. HE SAID EGYPT WOULD BE READY TO DISCUSS IT IF OTHER ISSUES CAN BE WORKED OUT. BUT, HE REITERATED EGYPT FEELS STRONGLY ABOUT THE WORD "IMPLEMENTATION."

5. I NOTED THERE WAS NO NEED TO COMMENT FURTHER ON PARAGRAPH 3; THE ONLY DIFFERENCE IS OVER THE TERM "PALESTINIAN PROBLEM" OR "PROBLEM OF THE PALESTINIAN ARABS." REGARDING PARAGRAPH 4 I NOTED THAT THE EGYPTIANS HAD TAKEN THE LANGUAGE ON SECURE AND RECOGNIZED BOUNDARIES AND PUT IT AT THE END OF PARAGRAPH 6. I SAID I HAD TO SAY THAT THE INSERTION IN PARAGRAPH 4 OF LANGUAGE ON THE INADMISSIBILITY OF THE ACQUISITION OF TERRITORY BY WAR WOULD CAUSE GREAT DIFFICULTY FOR THE ISRAELIS. I WOULD HAVE THOUGHT THAT THE REFERENCE IN PARAGRAPH 6 TO THE PRINCIPLES OF THE UNITED NATIONS CHARTER WOULD HAVE COVERED THIS POINT ADEQUATELY, WITHOUT RAISING A RED FLAG

FOR THE ISRAELIS. I NOTED ALSO THAT, WHILE RESOLUTION 242 DOES SPEAK OF THE INADMISSIBILITY OF THE ACQUISITION OF TERRITORY BY FORCE, THIS LANGUAGE IS IN THE PREAMBLE, NOT IN THE OPERATIVE PARAGRAPH. AFTER BRIEF FURTHER DISCUSSION OF THIS PROBLEM, KAMEL INDICATED THAT HE WOULD TAKE A FURTHER LOOK AT IT. I SAID THAT WOULD BE HELPFUL.

6. REGARDING THE PROPOSED EGYPTIAN CHANGES IN PARAGRAPH 5, I SAID I COULD ONLY TAKE NOTE OF WHAT THE EGYPTIANS PROPOSED. THEIR FORMULA GOES BEYOND THE PRESIDENT'S ASWAN LANGUAGE. I SAID IT SEEMED TO ME THAT WHAT THE PRESIDENT SAID AT ASWAN GOES QUITE FAR. GIVEN THE POLITICAL REALITIES, IT IS CLEAR THAT OTHERS BESIDES THE PALESTINIANS WILL HAVE TO PARTICIPATE IN THE DETERMINATION OF THE FUTURE OF THE WEST BANK AND GAZA; ISRAEL, JORDAN, EGYPT AND REPRESENTATIVES OF THE PALESTINIANS WILL

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ALL HAVE TO WORK TOGETHER ON THIS. AHMED MAHER EXPLAINED THAT THE NEW EGYPTIAN LANGUAGE IS INTENDED TO TAKE ACCOUNT OF THE FACT THAT ISRAEL, EGYPT AND JORDAN WOULD PARTICIPATE IN THE NEGOTIATIONS BUT NOT IN THE REFERENDUM. THIS IS WHAT EGYPT WANTS TO MAKE CLEAR. OTHERWISE, MAHER SAID, THE IMPRESSION WOULD BE GIVEN THAT THE OTHER PARTIES ALSO WOULD HAVE THE RIGHT TO VOTE. I AGAIN EXPRESSED RESERVATION ABOUT THIS LANGUAGE BUT SAID I WOULD OF COURSE REPORT IT AND WAS SURE THAT WE WOULD STUDY IT. BUT, I REITERATED, THE EGYPTIAN PROPOSAL FOR CHANGES IN THE ASWAN LANGUAGE IS GOING TO CAUSE DIFFICULT PROBLEMS.

7. I SAID I WOULD LIKE TO MAKE A VERY GENERAL COMMENT ON KAMEL'S INTRODUCTORY REMARKS SETTING OUT EGYPT'S PERCEPTION OF ISRAEL'S FAILURE TO RESPOND TO SADAT'S INITIATIVE. IT SEEMED TO ME THAT THERE HAD BEEN A REAL EVOLUTION IN ISRAELI THINKING IN SEVERAL RESPECTS AND THAT THE ISRAELIS HAD, IN THE COURSE OF OUR DISCUSSIONS, MADE IMPORTANT CHANGES IN THEIR POSITION. THEY ARE NOW WILLING TO SPEAK OF "ALL THE PRINCIPLES" OF RESOLUTION 242, TO INCLUDE A GENERAL PARAGRAPH ON THE PALESTINIAN PROBLEM, AND TO MAKE A GENERAL REFERENCE TO THE PRINCIPLES OF THE UN CHARTER. I AGAIN POINTED OUT THAT THE REFERENCE TO THE UNITED NATIONS CHARTER EMBRACES ALL THE MAJOR PRINCIPLES DEAR TO THE EGYPTIANS, IN PARTICULAR THAT OF THE ILLEGALITY OF THE ACQUISITION OF TERRITORY BY WAR. THE ISRAELIS HAVE ACCEPTED ALL THESE THINGS EVEN THOUGH THEY DID NOT WANT TO AT FIRST. IT SEEMED TO ME THAT THESE ARE IMPORTANT ACHIEVEMENTS; WE HAD HAD TO ARGUE QUITE HARD TO OBTAIN THEM.

8. I SAID THESE WERE ALL THE COMMENTS I HAD FOR THE MOMENT THOUGH WE WOULD VERY LIKELY HAVE OTHERS AFTER WE HAVE HAD TIME FOR FURTHER STUDY OF THE EGYPTIAN TEXT. I WANTED NOW TO ASK KAMEL HOW WE SHOULD PROCEED. KAMEL SAID

HE FIRST WANTED TO RETURN BRIEFLY TO A POINT HE HAD MADE
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EARLIER. WE MUST NOT LOSE SIGHT, HE SAID, THAT THE DECLARATION OF PRINCIPLES WILL BE VERY CAREFULLY STUDIED BY THE ARAB WORLD. THE DOCUMENT HAS GOT TO BE A MEANINGFUL ONE. ALL THE ARABS ARE WATCHING EGYPT'S NEGOTIATION OF THE DRAFT DECLARATION. AFTER EVERYTHING THAT PRESIDENT SADAT DID, THE DECLARATION MUST BE VIEWED IN THE ARAB WORLD AS USEFUL AND A REAL STEP FORWARD.

9. I SAID IT SEEMED TO ME THAT IT WOULD BE BETTER TO WAIT UNTIL AFTER PRESIDENT SADAT'S VISIT TO THE U.S. AND UNTIL WE CAN MEET PERSONALLY AGAIN WITH THE ISRAELIS BEFORE CONVEYING THE TEXT OF THE EGYPTIAN CHANGES. SIMPLY PASSING IT ALONG IN THE COLD LANGUAGE OF A TELEGRAM COULD HAVE AN UNTOWARD EFFECT. KAMEL SAID HE AGREED; HOW AND WHEN TO PASS EGYPT'S DRAFT TO THE ISRAELIS IS UP TO THE U.S., BUT HE CONCURRED THAT IT WOULD PROBABLY BE BETTER TO DO SO AFTER SADAT'S VISIT. KAMEL SAID IT IS INDISPENSABLE FROM THE EGYPTIAN POINT OF VIEW THAT THE DECLARATION DEAL WITH THE PALESTINIANS AS A PEOPLE AND NOT LIMIT THE ISSUE TO THE PALESTINIANS OF THE WEST BANK AND GAZA. I POINTED OUT THAT IT WAS IN RESPONSE TO THIS EGYPTIAN CONCERN THASIDAYAN HAD PROPOSED PARAGRAPH 3. I ALSO NOTED THAT THERE ARE CERTAIN ORGANIZATIONS OUTSIDE OF THE WEST BANK AND GAZA WHICH TAKE POSITIONS THAT ARE UNACCEPTABLE TO ALL WHO SEEK PEACE. KAMEL ACKNOWLEDGED THIS, BUT REPLIED THAT AS LONG AS THE PALESTINIANS FEEL THAT THEY ARE GETTING NOTHING THEY WILL HAVE NO INCENTIVE TO PARTICIPATE, AND IF THEY DO NOT PARTICIPATE IT WILL BE IMPOSSIBLE TO RESOLVE THE CONFLICT. KAMEL REITERATED THAT THE WORDING OF THE DECLARATION WOULD HAVE TO ENABLE EGYPT TO GET THE BACKING OF THE ARAB WORLD; WITHOUT THAT "I DON'T SEE ANY WAY."

10. I ASKED KAMEL IF HE THOUGHT PRESIDENT SADAT STILL
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CONSIDERS THE DECLARATION TO BE THE FIRST ORDER OF BUSINESS. KAMEL SAID HE BELIEVED SO. KAMEL EMPHASIZED THE IMPORTANCE OF GETTING A TEXT THAT WOULD PERMIT JORDAN TO JOIN THE NEGOTIATIONS. EILTS COMMENTED THAT WE TOO ARE EAGER TO HAVE JORDAN JOIN IN. KAMEL SAID THAT HE UNDERSTOOD THAT HUSSEIN WANTS TO SEE WHAT COMES OUT OF THE NEGOTIATIONS ON THE DECLARATION. PERHAPS EGYPT SHOULD CONSULT WITH JORDAN ABOUT THE TEXT. I REPLIED THAT I THOUGHT THAT WOULD COMPLICATE THE PROBLEM TREMENDOUSLY. IF EGYPT DISCUSSES THE TEXT WITH JORDAN THE JORDANIANS WILL SURELY HAVE CHANGES, AND WE MAY END UP WITH THREE VERSIONS. KAMEL TOOK THE POINT AND INDICATED

THAT HE AGREED WITH ME.

11. WHILE REITERATING RESERVATION CONCERNING SOME OF THE EGYPTIAN FORMULATIONS, PARTICULARLY IN PARAGRAPH 5, I EXPRESSED APPRECIATION TO KAMEL FOR HIS COMMENTS. I SAID I THOUGHT I UNDERSTOOD BETTER NOW EGYPT'S VIEWS AND AS A RESULT WOULD BE BETTER ABLE TO PURSUE OUR DISCUSSIONS WITH THE ISRAELIS. I REITERATED THAT MY CURRENT JUDGMENT IS THAT IT WOULD BE PREFERABLE TO WAIT UNTIL AFTER THE CAMP DAVID MEETING BEFORE WE TAKE UP THE EGYPTIAN LANGUAGE WITH THE ISRAELIS. EILTS UNQUOTE
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Message Attributes

Automatic Decaptioning: Z
Capture Date: 26 sep 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, POLITICAL SETTLEMENT, MEETINGS, FOREIGN MINISTERS MEETINGS, CAT-B, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 02 feb 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE027798
Document Source: ADS
Document Unique ID: 00
Drafter:
Enclosure: REPEAT OF CAIRO 3751
Executive Order: 11652 GDS
Errors: n/a
Expiration:
Film Number: N780002-0300
Format: TEL
From: STATE
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t197802120/baaafbsa.tel
Line Count: 340
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Message ID: 3b9ab5cf-c288-dd11-92da-001cc4696bcc
Office: ORIGIN NODS
Original Classification: SECRET
Original Handling Restrictions: EXDIS NODIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 7
Previous Channel Indicators:
Previous Classification: SECRET
Previous Handling Restrictions: EXDIS NODIS
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 02 jun 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3474716
Secure: LOCK1
Status: NATIVE
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Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

